



TOWN OF TRURO
Conservation Commission
24 Town Hall Road
P.O. Box 2030, Truro MA 02666

Conservation Commission Meeting Minutes

July 11, 2016

6:30 P.M. in the Selectman's Meeting Room

Members Present: Deborah McCutcheon (Chair), Jim Bisceglia, Larry Lown, Diane Messinger, Henry Lum and Jack McMahon

Others Present: Emily Beebe-Assistant Conservation Agent

8 Sam's Way, Notice of Intent, Nancy A. Dyer, Trustee of Dyer Realty Trust,

SE#75-0985: Continued from June 6, 2016, the applicant seeks approval for construction of a new dwelling and sand drift fence. David Lajoie and Lester Murphy represented the applicant. Concerns were raised at the June 6th meeting regarding the possibility of erosion at the northwest corner of the structure. The revised plan shows the slope as it approaches the foundation; the majority of the foundation is above ground and would block any erosion from occurring. The majority of grading that will be done on the property is located out of the buffer zone. The deck will be on sonotubes and no grading will be necessary; the porch is part of the foundation. The work limit has been decreased since the first plan, but the building is unable to be moved out of the buffer zone due to the large cul-de-sac and zoning setbacks. The building is currently located 26 feet from the property lines and the minimum setback is 25 feet. The house has been scaled down from original plan and is covering 5% of the lot. Beach grass and other plantings are proposed for disturbed areas and the bare area on the bank near the beach stairs. The applicant is also proposing to repair the beach stairs and install a sand drift fence to increase the volume of the dune and prevent future erosion. **Motion to accept the revised plan and approve the Notice of Intent with the special condition that the stairway be repaired with batter boards installed. Motion by Lown; second by Bisceglia. Approved 3-0-1.**

8 Ryder Hollow Rd, Notice of Intent, Richard & Sarah Fryling, proposed septic upgrade, SE# 75-0988:

David Lajoie represented the applicant. The resource areas include LSCSF and Riverfront area. The existing septic system has failed and the upgraded system will be an improvement over what is currently in place. The well will also need to be relocated and several locust trees will need to be removed. McCutcheon specified that the meadow area is not to be altered without prior review of the Commission. **Motion to approve the Notice of Intent with the special conditions that the meadow is not to be disturbed without Commission approval and to use a drought resistant/native grass seed on disturbed areas. Motion by Lown; second by Bisceglia. Approved unanimously.**

566 Shore Rd, Notice of Intent, Ocean Breeze Condominiums, SE# 75-0990: The project scope includes proposed patio replacement; Jane Donoghue represented the Condominium association. The applicant is proposing to replace the patio in kind, with some areas being improved by being made more pervious. There will be no increase in developed area. **Motion to approve with conditions by Lown; second by Bisceglia. Motion approved unanimously.**

8 Falcon Ln, Request for Amended Order of Conditions and Request to Extend Order of Conditions, proposed extension of poison ivy removal, Donna Ward, SE# 75-0922: Al Sorbello represented the owners. The proposal will extend the approved area of poison ivy control using the same method used with the completed areas. The procedure has been very successful in other locations. **Public Comment:** The abutter from 41 Cormorant does not agree with removing the native poison ivy because it provides shelter, stabilizes the bank and keeps invasive species from taking over. If removed, she is concerned with bank stabilization, sedimentation of the pond and increase of invasive plant species that will, in turn, need to be removed. Mr. Sorbello stated that work will take place on the crown of the hill and will stop short of working directly adjacent to the water. **Motion to approve the amendment and extension of the Order of Conditions by Bisceglia; second by McCutcheon. Approved unanimously.**

15 Cabral Farm Rd, Notice of Intent, Truro Center for the Arts, SE# 75-0989: Project scope includes a proposed septic upgrade. David Lajoie and Cherie Mittenthal were present. A fresh water wetland encompasses approximately half of the lot. All access would be off of the existing driveway. Lown asked if the septic would be located out of the conservation restriction area. The Conservation Trust allowed the septic system to be placed wherever would be best and are aware and ok with it being in the restricted area.

Public Comment-Abutter John Demasi is concerned with the location of the leach field relative to his property line and the effect it may have on development of agriculture and irrigation practices on his lot. He believes this dwelling was never meant to have a Title V system and that perhaps a tight tank would be a better fit. The Demasi property is used entirely for agriculture and has no septic system. David Dewitt is concerned with the lack of electricity on site and would like more information regarding feasibility of power possibilities. Mr. Lajoie stated they are seeking a continuance to review the questions of the abutter and final BOH approval is still needed. **Motion to continue to the September 12, 2016 meeting by Bisceglia; second by McCutcheon. Approved unanimously.**

402 Shore Rd, Emergency Certification, Fore & Aft: Request for emergency certification for the demolition of the motel. A separate NOI will be filed for the demolition of the cottages. An abutter expressed concern about delays to the demolition and is concerned that the applicants and representatives are not showing up to meetings. Agent Beebe stated the applicants are asking for an extension from the Board of Selectmen in order to have the appropriate contractors in place to perform the demo work. McCutcheon stated that there are two options: either allow the emergency certification for demolition or continue to the next meeting when a representative is present. **Motion to issue the Emergency Certification for demolition of the Motel by**

Bisceglia; second by McCutcheon. Approved Unanimously. Mr. Al Silva stated he would like a time constraint applied to the Emergency Certification. **Motion to amend the previous motion to include a completion date of August 1, 2016 by Bisceglia; second by McCutcheon. Approved unanimously.**

5&7 Knowles Heights Road, Request for Determination of Applicability, Knowles Heights LLC and the Judith Bettua Trust: Proposed construction of a boardwalk. Don Bliss represented the applicant. Work has already started, but once it was realized that conservation approval was needed work ceased. The projects at these sites have been underway for three years and no other work was done without a permit. McCutcheon hesitates to administer an RDA because there will be not conditions associated with it. Bisceglia mentioned there is an open order at 7 Knowles Heights, so there is still means to monitor the project. A Request for an Amended Order was not filed because the Order of Conditions for 5 Knowles Heights has been closed out. **Motion to find a Negative 3 Determination that work is in the buffer zone, but will not alter an area subject to protection and a Notice of Intent is not required. Motion by Bisceglia; second by McCutcheon. Approved unanimously.**

214/216 Shore Rd (off Town Beach at Beach Point Landing), Notice of Intent, Daniel Smith, proposed aquaculture grant, SE# 75-0966: Continued from June 22, 2016. Daniel Smith and Bill Henchy were present. A draft Order of Conditions was issued after the last meeting so there would be time to review and respond. A site plan was submitted by the applicant, who seeks to remove 214 Shore Rd from his project description. McCutcheon stated it does not absolve that property from involvement because the grant is directly off shore of that property. The state would allow Mr. Smith exclusive shell fishing rights to the area. The Town owns to the mean low water mark, but the grant is beyond that in an area owned by the Commonwealth, which has greenlighted the project. The Board of Selectmen allowed the project. Commissioner Lown asked how often Mr. Smith would use the beach to access the grant. The biggest reason to have a vehicle on the beach would be during harvesting; overall, very limited vehicle access will be needed and during harvesting he does not imagine needing a vehicle more than once a week. **Public Comment:** Mr. Lester Murphy spoke on behalf of an abutter. He believes this is not an appropriate use of the property or an appropriate location for this activity. This is an area subject to storm activity and he is looking for specific language regarding time limitations for the applicant to remove any equipment that washes onto the beach. There should be a condition that only helical anchors should be used; if something else was to be used it should have been included in original filing. He would like corridors built into the grant to allow for public access. In regards to the plan, Mr. Murphy does not believe it is adequate; it is a sketch plan, not a survey plan, resource areas are not delineated and no measurements are given. Overall, Mr. Murphy does not believe that the project is ready for an Order of Conditions at this time.

Mr. Henchy stated that there is no proposal to drive in the intertidal zone.

McCutcheon recommends issuing an Order, but the Commission would like to discuss individual conditions in depth. **Motion that an Order of Conditions will be issued that allows the project to move forward and that the conditions will be finalized at a separate meeting on Tuesday, July 19. Motion by Bisceglia; second by McCutcheon.**

Approved unanimously.

1 Left Handed Road, Notice of Intent, Shane Burhoe, SE# 75-0986: Continued from June 6, 2016. Project proposal includes mitigation for unpermitted work and installation of a new swimming pool. Owners Shane and Adrienne Burhoe and their consultant Paul Shea were present. A revised plan was provided to show additional mitigation. Two catch basins with drywells are now proposed that will treat storm water from left handed road and prevent runoff from entering the wetland. The Commission considered that a Certificate of Compliance had been issued in 2002 and correspondence showed an issue with work done that was not shown on the approved plan; it was unclear exactly what had been signed off on, as far as the driveway was concerned. Numerous other projects had been completed without review or permits and the Commission had requested these projects be removed or mitigated for after the fact in order to consider the new swimming pool Notice of Intent application. Proposed mitigation includes moving the shed outside of the 100 foot buffer zone; smoothing out and planting the toboggan run; and removing and planting the play area. This will leave 1,268 square feet of unauthorized work to be mitigated for. The proposed plan shows storm water improvements and more planting to make up for that area. Commissioner Lown suggested that the pool should be moved entirely out of the buffer zone and into the lawn area at the front/side of house. Due to the location of the septic and in order to meet set-back requirements the pool cannot be moved from its proposed location. The Chair stated that three questions need to be answered: does the Commission agree with the remediation, should the pool be allowed and should a fine be imposed.

When considering the pool as a stand-alone request, Commissioner Bisceglia believes it should be allowed, but believes there should be a fine. He agrees that they did this incorrectly, yet are trying to rectify the issue. **Motion to accept the Notice of Intent for installation of the pool with mitigation and to impose a \$500.00 fine for work done without a permit. Motion by McCutcheon; second by Bisceglia. Approved 3-1-0.**

2 Valentina Way, Administrative Review, Shannon Tree Service for Linda Yannetty, proposed removal of pine tree: Agent recommends approval. **Motion to approve the Administrative review by McCutcheon; second by Bisceglia. Approved unanimously.**

24 Pond Road, Request for Certificate of Compliance, Robert & Joseph Fanelli, SE# 75-0981: Motion to approve the Certificate of Compliance by McCutcheon; second by Bisceglia. Approved unanimously.

Approval of April 19, 2016 Minutes

Motion to approve the April 19 meeting minutes by McCutcheon; second by Bisceglia. Approved unanimously.

Motion to adjourn by McCutcheon; second by Bisceglia. Approved unanimously.
The meeting adjourned at 8:45 p.m.

Site Visit Minutes

July 11, 2016

1:15 P.M. Met at the Cobb Library parking lot.

Members Present: Deborah McCutcheon (Chair), Jim Bisceglia, Diane Messinger, Henry Lum, Larry Lown, Jack McMahan

Others Present: Emily Beebe-Assistant Conservation Agent, Nicole Smith-Secretary

8 Ryder Hollow Rd: The Commission viewed the proposed area for the new septic system. The area was staked.

1 Left Handed Rd: Paul Shea met the Commission on site. The Commission viewed the staking for the proposed pool and the areas where mitigation is proposed.

8 Falcon Lane: Al Sorbello met the Commission on site. He showed the progress and improvement that has been made so far and discussed the plans for the 3rd section of vegetation management.

5 & 7 Knowles Heights Rd: Don Bliss met the Commission on site. He stated that some work had begun, but has stopped since realizing Commission approval is needed. Sonotubes were already installed and the applicants would like to complete installation of a walkway from the two houses to the beach stairs. It was noted that there has been mowing of grass in the meadow area planted as mitigation at 7 Knowles Hts.

566 Shore Rd: Jane Donohue was on site to walk the Commission through the project.

15 Cabral Farm Rd: The project area was staked.

3:30 P.M. site visits concluded.

Respectfully Submitted,

Nicole Smith, Secretary

Approved September 12, 2016